

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

CASE NO. CR19-0146-JCC

10 Plaintiff,

ORDER

11 v.

12 MARIE CHRISTINE FANYO-PATCHOU,
13 RODRIGUE FODJO KAMDEM, and
CHRISTIAN FREDY DJOKO,

14 Defendants.
15

16 This matter comes before the Court on the Defendant Marie Christine Fanyo-Patchou,
17 Defendant Rordigue Fodjo Kamdem, and the Government's unopposed motion to continue the
18 trial date and pretrial motions deadline (Dkt. No. 79). Ms. Fanyo-Patchou and Mr. Kamdem have
19 filed speedy trial waivers up to and including February 17, 2020, and March 3, 2020,
20 respectively. (Dkt. Nos. 91–92.) Defendant Christian Fredy Djoko, however, has not. (*See* Dkt.
21 No. 79 at 2.) While Mr. Djoko's attorneys have explained to him that they require additional
22 time to provide him with effective assistance of counsel, Mr. Djoko does not wish to sign a
23 speedy trial waiver. (*See id.*) The Court must therefore decide whether to move the trial date
24 despite Mr. Djoko's decision to not sign a waiver.

25 The Speedy Trial Act requires that “[i]n any case in which a plea of not guilty is entered,
26 the trial of a defendant . . . shall commence within seventy days from the filing date (and making

1 public) of the information or indictment, or from the date the defendant has appeared before a
2 judicial officer of the court in which such charge is pending, whichever date last occurs.” 18
3 U.S.C. § 3161(c)(1). However, certain “periods of delay shall be excluded in computing the time
4 within which . . . the trial . . . must commence.” *Id.* § 3161(h). The Act lists several types of
5 excludable delay, *see id.* § 3161(h)(1)–(6), and also allows exclusion if “the court sets forth, in
6 the record of the case, either orally or in writing, its reasons for finding that the ends of justice
7 served by [a continuance] outweigh the best interest of the public and the defendant in a speedy
8 trial,” *see id.* § 3161(h)(7)(A). In making such a finding, the court must consider certain non-
9 exhaustive factors. *See id.* § 3167(h)(7)(B).

10 Here, the moving parties argue that a continuance is necessary because of the complex
11 nature of the case and the need for additional discovery. (*See* Dkt. No. 79 at 2–5.) To date, the
12 Government has provided 5,485 pages and digital files to the defense. (*Id.* at 3.) Many of those
13 pages are in a combination of French and Ewondo, and the Government’s translation firm still
14 needs to translate the pages. (*Id.*) Once the translations are complete, the parties will need time to
15 review them. (*Id.*) In addition, the parties may need to continue to investigate who received or
16 sent text and online messages and communications with Defendants, John Doe, and John Doe’s
17 family members. (*Id.* at 4.) Those investigations could potentially take place in Cameroon and
18 other foreign countries. (*Id.*)

19 Having considered the parties’ arguments for a continuance and the relevant record, the
20 Court agrees that a continuance is necessary. The Court FINDS as follows:

- 21 1. Failure to grant a continuance would likely result in a miscarriage of justice. *See* 18
22 U.S.C. § 3161(h)(7)(B)(i). The parties have had only limited time to review a large
23 volume of materials produced during discovery. (*See* Dkt. No. 79 at 3–5). In addition,
24 important discovery may still need to take place. (*See id.* at 4.)
- 25 2. The case is so unusual and complex that it is unreasonable to expect adequate preparation
26 for pretrial proceedings and the trial itself within the time limits established by the

Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(B)(ii). The Government has charged three defendants with conspiracy to engage in cyberstalking and with cyberstalking. (*See* Dkt. No. 1 at 2–6.) The alleged conspiracy involves communications with many different people in multiple countries. (*See id.*) These allegations have raised complex factual and legal issues, including constitutional issues. (*See* Dkt. No. 58 at 15–16.)

3. The additional time requested is a reasonable period of delay, as Ms. Fanyo-Patchou and Mr. Kamdem have requested more time to prepare for trial, investigate the matter, gather evidence material to the defense, and to consider possible defenses. (*See* Dkt. No. 79 at 3–5.)
4. The additional time requested between the current trial date and the new trial date is necessary to provide Defendants’ attorneys reasonable time to prepare for trial considering their schedules and all of the facts set forth above.
5. The ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and Defendants in any speedier trial. *See* 18 U.S.C. § 3161(h)(7)(A).

For the foregoing reasons, the unopposed motion to continue the trial date and pretrial motions deadline (Dkt. No. 79) is GRANTED. It is therefore ORDERED that the trial date is CONTINUED from October 7, 2019, to February 3, 2020, at 9:30 a.m. The time between the date of this order and the new trial date is excludable time under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A). Any pretrial motions shall be filed no later than January 10, 2020.

DATED this 4th day of October 2019.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE